

**Minutes of the Carlisle Board of Health
October 28, 2008**

Present: Board Members Jeff Brem (Chairman), Chris Deignan, Bill Risso, and Michael Holland; Absent – Leslie Cahill; also present Linda Fantasia (Agent), Rob Frado (TCG)

The meeting was called to order at 7:44 p.m. at the town hall.

EMERGENCY BEAVER PERMIT – Dave Reed of 90 Page Brook Road appeared before the Board to request a Ten-day Emergency Beaver Permit in accordance with M.G.L. Ch. 131 sec 80A in order to address flooding on his property close to the new septic system caused by beaver dams in the Page's Brook area. Reed explained that he was issued a similar permit last spring to install water-leveling devices in three dams on his property. These were successful. However, there are additional dams in the Pages Brook area, which have become problematic. He provided the Board with photographs of the area. Reed then described what happens when the beaver dams are opened up by the DPW. The floodwaters that are released cause the water levels in his yard to rise and recede in a tidal fashion. They never quite go back to the original levels. He has noticed water creeping up higher onto his property and he is concerned about flooding of his new septic system. He measured the highest water level and calculates that it is 18-24" below his septic system. If this pattern continues, the leaching area will be flooded. If granted a permit, his first approach will be to have water levelers installed in the dams under an Emergency Order from the Conservation Commission. If this is not successful and the dams are rebuilt, he would trap and dispose of the beavers. Reed said there are twelve dams in the area. Each lodge supports 5-10 kits. The area cannot support this population. The only permanent remedy is to reduce the number of beavers. Reed is certified as a trapper. Reed said several neighbors are also having problems. The dams are located on the town's right of way, not private property, so the dams are actually the town's responsibility. Reed would be willing to work with the DPW on installing the levelers. He is concerned that the water temperature is getting colder, making it difficult to access the dams. Reed explained how the beavers would be trapped. It is illegal to relocate wild animals, so they would need to be exterminated. The Board asked whether the pelts could be sold. Reed said there are protocols for this. He emphasized that his main objective is to maintain a level water flow around Maple and Brook Street without the fluctuations. He has observed water running over the roadway following breaching of a dam. He would only trap if the water levelers were unsuccessful. If granted, Reed asked that the 10-Day Permit not be signed until he has met with the Conservation Commission. Brem said the Board has worked with Beaver Solutions if Reed is considering a professional company.

The Board then asked for comments from the audience. Corey Lofdahl (203 Peter Hans Road) and Tom O'Rourke (81 Craigie Circle) stated their concerns about flooding on their properties. O'Rourke said the water level is the highest he has seen in ten years. He is very concerned about what may happen next spring. The water is close to his septic system. Lofdahl said the water is very close to his well. He has no basement in his house and is concerned about flooding. Unlike other years, the water has not receded and is about 18" above the normal levels. The problem remains constant. O'Rourke agreed noting that there has been a noticeable change in groundwater in the area.

The Board of Health agreed that based on the testimony provided the flooding on these properties poses an imminent public health risk and requires an immediate remedy.

It was moved (Deignan), seconded (Risso) to issue a 10- Day Emergency Beaver Permit under MGL Ch 131, sec 80A to David Reed, 90 Page Brook Road, in order to mitigate an immediate public health risk due to flooding near a private well and two septic systems due to beaver activity in the Page's Brook area and allow the installation of water leveling devices and trapping if necessary, conditional upon obtaining an Emergency Order from the Conservation Commission prior to work being done. Motion passed 4-0-0.

COMMUNITY SEPTIC LOAN PROGRAM – Larry Barton met with the Board to discuss the financial impacts of the program. Barton explained that he, Madonna McKenzie, Priscilla Dumka and Linda Fantasia met recently to discuss the program. Among the items clarified were using the loan only as a "last resort" when homeowners were unable to find financing elsewhere, the possibility of using all of the \$200,000 at the

start of the program, and whether 2% interest would be sufficient to make the fund self-sustaining. Barton felt that town meeting expects the loan to be used only in cases of financial need. Brem said the Board had discussed what other options are available to owners, including tapping the equity in a home. This may not be possible in all cases. Barton suggested that owners be required to locate other financing first.

As for the interest calculations, Barton explained that although the loan from the State Revolving Fund is at 0% interest, the town still needs a bond to cover the note at a cost of 1.6 to 2%. Although a 2% interest rate will equalize the costs, the special revenue account will not grow sufficiently so that it is self-sustaining for future loans. There will be no build up. Barton suggested going with the 5% rate, particularly if the Board is looking to offset administration costs. . There are costs associated with this bond. Barton ran some numbers for the Board to show that a 2% interest rate will not yield a substantial income. Brem noted that the town could continue to borrow from the SRF for future loans. The lower interest rate was chosen because it will be more attractive to owners and would act as an incentive to replace failed or failing systems. The Board felt that more systems would be replaced with the lower cost. The Board's primary concern is with public health and protection of the environment. The Board agreed that if the betterment is transferrable it would be important for buyers to have this information prior to closing. Barton said there should be no problem with putting the lien on the deed. Prior to closing, owners must obtain a municipal lien certificate from the town, which would list any obligations. The Board discussed that most property owners would prefer to pay off the loan rather than negotiate a lower sale price. The Board also discussed concerns about obtaining a loan prior to selling a property. The Board agreed owners rarely do Title 5 Inspections unless they are selling. As far as the Board is concerned, why a system is being replaced is not as important as the fact that it is being replaced. Questions about having a mortgage on the property were also raised. Barton felt that there was no legal obligation on the part of the town to provide notice, although a homeowner may have some responsibility. It was noted that most mortgage holders would see the loan as an improvement to the asset. Lack of proper sewage disposal could rescind an occupancy permit. The Board agreed to add a line to the application relative to any liens on the property.

The Board then returned to the discussion of interest rate. Deignan said that if a house is sold, the town may be repaid immediately. Barton said the Board needs to consider whether an immediate payoff will allow the interest to the town to grow. A 2% rate does not work for the Board as far as building the fund. If the Board does not want to bond the note, it would need to require full payment upon transfer. Barton described the process: first, there is an interim loan from the Water Pollution Abatement Trust, at the end of this term, there is a Bond Authorization Note upon which there is interest of 1-3% per year. Typically, it is a twenty-year bond. Brem and Risso questioned whether the town needs to bond the note. Barton said this would require full repayments on a regular basis. Brem did not feel it was necessary to go for a secondary bond. He would prefer working within the WPAT guidelines. There was no further discussion. Brem asked if the Board were ready to vote on revising the interest rate.

It was moved (Deignan), seconded (Risso) and unanimously voted (4-0-0) to set a 5% interest rate for the community septic loan program.

480 SOUTH STREET – voluntary upgrade of failed soil absorption system. Present for the meeting was Ben Ewing of Stamski & McNary Inc., and David Dutton, owner.

Ewing explained that the existing system has failed and is being replaced with a four-bedroom system. No waivers are required. The leaching area is less than 100' from wetlands. The tank and pump chamber are greater than 50' from wetlands. The system is being enlarged to four bedrooms for possible future renovations to or teardown of the house. The Conservation Commission issued an Order of Conditions due to work in the buffer zone. Prior to approval, the Commission required an alternative analysis to prove that the system could not be moved farther from wetlands. The system setbacks comply with local and state regulations. A new well will be installed 100' from the leaching area.

Fantasia had asked that the Board review the plan. No plans have been submitted indicating how the house will be expanded. The alternative analysis was based on the existing house. Testing for the analysis was not witnessed. The wetlands were not flagged prior to testing, resulting in one deep hole only 25' from wetlands.

The lot is a legal non-conforming one-acre lot. Any changes to the house will require a special permit from the Zoning Board. Fantasia said that if the Board is being asked to approve the larger system, it should have some confidence that the lot can support the size of the new structure. There was a similar case a few years ago whereby a septic permit was used to support an applicant's request to the Zoning Board to exceed the limits placed on a non-conforming structure. The Board agreed that if the proposed design is in full compliance, there is not much it can do. The Board asked Frado to comment.

Frado said the system is close to wetlands in the rear (52'). They did not test near the road because it was too close to the well. The wetlands had not been flagged, but he would not have approved the test pit which was obviously too close. The testing for the alternative analysis was not witnessed. He asked whether this should be a requirement. There was some ledge outcropping in the front area. He does not have a problem with the results of the analysis, which is based on grading close to the foundation of the existing house. A revised plan addressing a few minor deficiencies was submitted and approved.

Risso noted that the Conservation Commission added a special condition that the issuance of the Orders of Condition is limited to the septic design only. He suggested that the Board could add a condition stating that approval of the system does not guarantee a four-bedroom dwelling can be built on the lot. Holland said that since the applicant is not requesting any waivers, there is no reason to deny the oversized system. It should be made clear, however, that the system approval in no way endorses any other structure than the three bedroom existing house.

It was moved (Risso), and seconded (Deignan), to approve plan entitled "Sewage Disposal System for 480 South Street, owned by Dutton, designed by Stamski & McNary, revised 9/25/08" with conditions stated above.

ADMINISTRATIVE REPORTS

WWTP Carlisle Public School –in a letter dated 9/11/08 DEP raised four issues having to do with the operation of the plant. No violations were issued. Wesson and Sampson, the contracted plan operator, responded on 10/14/08 noting that school staff will be trained on prohibited products, a new drive sprocket and chain were installed in the RBC and treatment resumed on 9/2/08. Additionally there will be better temperature control over sample collection. DEP also recommended the installation of a drain line originally referenced in the plans. Risso disagreed that this line was included in the final design. Overall the Board was pleased the quick response of Wesson and Sampson in addressing the deficiencies. Any delay may have resulted in fines to the town. Fantasia asked whether the Board wanted to introduce the sewer project to Long Term Capital Committee. The Board agreed that this would be a town project. Although there was an initial meeting of interested parties, the Selectmen have not appointed an official committee to follow up. Brem asked Fantasia to check with the Town Administrator on how to handle a Long Term Capital request.

Personnel Board – The Board submitted a memo on 10/21/08 asking to extend the additional hours for the administrative assistant until 12/31/08 based on delays in getting the septic loan program up and running. The Board also reviewed a draft memo requesting the hours on a permanent basis and requesting a pay increase for Gretchen Caywood based on relevant education and experience. The pay increase is also supported by the Planning Board. Brem and Mark Lamere of the Planning Board would like to meet with the Personnel Board in November.

Employee Evaluations – the Board received a copy of Caywood's evaluation prepared by Fantasia. Brem will prepare Fantasia's review. He asked for individual comments to be submitted to him.

Generator – The next step is for DPW to dig out the gas and electric trenches. Flannery would prefer to have it done on a non-school day.

FY10 – this will again be a 0% growth budget. The Selectmen have not set a cost of living increase. There will be no budget increase over FY09 for the COLA.

Pictometry – MAPC is providing free to its communities the latest version of Pictometry. This represents a spring 2008 flyover. All of the land use departments are interested in this software. MAPC is willing to help with the setup and training for a cost of \$1100. They would need to work with the town's IT person to access the server. Fantasia suggested that this would be an appropriate expense under the septic loan grant. The board agreed it would be willing to cover up to 40% of the cost, with the rest shared by the other land use departments.

Credit Card Payments – Fantasia suggested setting up a payment system, particularly for smaller fees such as licenses. The Board asked Fantasia to check with Recreation and Finance to see how their programs operate.

Bills – It was moved (Risso) and seconded (Holland) to approve the bills as presented. Motion passed 4-0-0.

Minutes – Brem asked to amend the minutes of 10/2/08, pg 3 par 2 to reference the three levels of mosquito control and to add a statement that the program will not eradicate mosquitoes entirely so mosquitoes will remain a food source for other species. The Board agreed.

It was moved (Risso) and seconded (Holland) to approve the minutes of 6/24/08. Motion passed 4-0-0.
It was moved (Risso) and seconded (Holland) to approve the minutes of 7/22/08. Motion passed 4-0-0.
It was moved (Deignan) and seconded (Risso) to approve the minutes of 8/19/08. Motion passed 4-0-0.
It was moved (Risso) and seconded (Deignan) to approve the minutes of 9/9/08. Motion passed 3-0-1 (Brem was absent for this meeting).

Public Health Region 4A – appointed representative.

It was moved (Deignan) and seconded (Holland) to appoint Linda Fantasia, health agent, as the Board's representative to Mass. Public Health Region 4A; Bill Risso is willing to act as a backup representative. Motion passed 4-0-0.

Board Policies - Brem said the Board needs to define a criteria for granting waivers under local regulations. Applicants need to know what information and justifications need to be provided. Brem said the alternative analysis submitted for 480 South, even though the design was not requesting a waiver, is a good example. The Board requires justification to waive its setback to wetlands. An alternative analysis allows the Board to consider more than just the single plan presented. The criteria should provide a narrative, graphic illustration and witnessed testing – or reason why it cannot be provided. Someone must present the waiver request to the Board and be prepared to answer questions. Fantasia said Frado had prepared a draft memo, which can be expanded upon. The Board agreed to review the policies at the next meeting.

Community Septic Loan Program – the Board agreed to ask Larry Barton to attend the public discussion.

Mosquito Control Program – Brem asked for individual opinions. He is concerned that residents are not distinguishing between nuisance and disease when considering the program. He would favor larviciding with Bti. Deignan agreed that the town should only join the district because of threats to the public health. Holland is not in favor of the program and feels that the town would be better off if the money were spent on preventing Lyme disease, which is on the increase. Risso said residents do appear more concerned about mosquito nuisance than public health, but with the recent data on West Nile Virus, he would support the program. Brem said that when he was a resident in Chelmsford, taxpayers were allowed to make a voluntary donation to a municipal arts center. He suggested a similar format for dealing with mosquito control costs. Fantasia will check with Larry Barton on whether this could be done in Carlisle. Holland asked whether the pellets would be distributed on private property. The Board agreed this would be the case. Risso asked whether the state park would be included. If it is excluded, it would continue to be a breeding ground. The Board agreed to prepare a draft warrant article for the next meeting. The Selectmen will be closing the warrant for the January special town meeting sometime in December. Brem offered to meet with the Selectmen and Conservation Commission to explain why the Board of Health is looking into mosquito

control. It takes a town meeting vote to join the district. Fantasia will check with David Henley on whether he has a power point presentation that the town could use.

Planning Board Report – the Board was asked to comment on the recommendations prepared by Jon Witten, a consultant hired by the Planning Board, to review the town's regulations and bylaws relative to development and the recent changes to the regulations on Comprehensive Permits. Witten's recommendations for the Board of Health include addressing small package treatment plants, alternative technology, granting of variances and subdivision review. Brem said he is very concerned about using public health regulations to control zoning and noted that many of these issues were addressed when the Board revised its local septic regulations last spring. Holland agreed noting that some of the recommendations, such as limitations on small package treatment plants, are neither realistic or within the Board's jurisdictional purview. Holland questioned whether the Board could identify the public health benefit for some of Witten's recommendations. If local regulations are too restrictive developers will choose the comprehensive permit approach over single-family developments. The Board agreed that its authority to impose local supplementary regulations must be based on controlling disease not development. The Board agreed to send a memo to the Planning Board.

Well Regulations – the Board agreed to continue the work at the December meeting. Brem asked whether to the Water Quality Subcommittee should be contacted. The Board agreed that drafting regulations was not the primary role of the subcommittee. Fantasia will forward the last draft to Board Members.

Ferns Country Store – Annual license is due in January. Fantasia will notify the store.

First Religious Society Green Sale (12/6/08) – The Board is still waiting to hear from the Concord Health Dept on the proposed menu. This is an annual event at the church.

There was no further business. Meeting voted to adjourn at 9:50 pm.

Respectfully submitted,

Linda Fantasia
Recorder